

10/01/2020

100-11222 The Civil Cover Sheet and the information contained herein replace and supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

KIMBERLY MANSON, individually and on behalf of all others similarly situated

DEFENDANTS

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Burson & Fisher, P.A., 888 7th Ave, New York, NY 10019
646-837-7150

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 1332, Deceptive advertising

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/			[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	[] 422 APPEAL	[] 376 QUI TAM
[] 130 MILLER ACT	LIAIBILITY	INJURY/PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 158	[] 400 STATE
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY	21 USC 881	[] 423 WITHDRAWAL	REAPPORTIONMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTITRUST
[] 151 MEDICARE ACT	[] 340 MARINE	[] 368 ASBESTOS PERSONAL			[] 430 BANKS & BANKING
[] 152 RECOVERY OF DEFULTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	INJURY PRODUCT LIABILITY			[] 450 COMMERCE
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	PERSONAL PROPERTY	[] 820 COPYRIGHTS	[] 880 DEFEND TRADE SECRETS ACT	[] 460 DEPORTATION
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE	[] 370 OTHER FRAUD	[] 830 PATENT		[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 190 OTHER CONTRACT	PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 480 CONSUMER CREDIT
[] 195			[] 840 TRADEMARK		[] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 196 FRANCHISE	ACTIONS UNDER STATUTES			SOCIAL SECURITY	
				LABOR	
		[] 380 OTHER PERSONAL INJURY	[] 861 HIA (1395ff)		
		[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 862 BLACK LUNG (923)		
		[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR STANDARDS ACT	[] 863 DIWC/DIWW (405(g))	[] 490 CABLE/SATELLITE TV
		PRODUCT LIABILITY	[] 720 LABOR/MGMT RELATIONS	[] 864 SSID TITLE XVI	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
			[] 740 RAILWAY LABOR ACT	[] 865 RSI (405(g))	
		PRISONER PETITIONS			
		[] 463 ALIEN DETAINEE	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	FEDERAL TAX SUITS	[] 890 OTHER STATUTORY ACTIONS
		[] 510 MOTIONS TO VACATE SENTENCE	[] 790 OTHER LABOR LITIGATION	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 891 AGRICULTURAL ACTS
		28 USC 2255	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 871 IRS-THIRD PARTY	[] 893 ENVIRONMENTAL MATTERS
			26 USC 7609		[] 895 FREEDOM OF INFORMATION ACT
					[] 896 ARBITRATION
					[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
					[] 950 CONSTITUTIONALITY OF STATE STATUTES
REAL PROPERTY			IMMIGRATION		
[] 210 LAND CONDEMNATION	[] 441 VOTING				
[] 220 FORECLOSURE RENT LEASE & EJECTMENT	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[] 462 NATURALIZATION		
[] 230	ACCOMMODATIONS	[] 443 HOUSING/	APPLICATION		
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH	[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION		
[] 245 TORT PRODUCT LIABILITY	DISABILITIES - EMPLOYMENT	[] 555 PRISON CONDITION	ACTIONS		
[] 290 ALL OTHER	[] 446 AMERICANS WITH	[] 560 CIVIL DETAINEE	CONDITIONS OF CONFINEMENT		
	DISABILITIES - OTHER				
		[] 448 EDUCATION			
	REAL PROPERTY				

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$5,000,000 OTHER JUDGE DOCKET NUMBER

Check YES only if demanded in complaint
JURY DEMAND: YES NO

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation (Transferred)	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
			<input type="checkbox"/> 8 Multidistrict Litigation (Direct File)			
<input type="checkbox"/> a. all parties represented						
<input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [X] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Kimberly Manson
6 Stacy Ln.
Chester, NY 10918
Orange County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

ALYK, Inc.
150 W. 22nd St., Fl. 5
New York, NY 10011
New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

/s/ Yitzchak Kopel
DATE 06/30/21
SIGNATURE OF ATTORNEY OF RECORD
RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[X] YES (DATE ADMITTED Mo.05 Yr. 2013)
Attorney Bar Code # 5117619

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)